

TABLE I—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES—Continued

	January	February	March	April	May	June	July	August	September	October	November	December
Calendar Year 1982												
Incremental pricing threshold.....	\$2.057	\$2.071										
3.003NGPA section 102 threshold.....	3.003	3.039										
NGPA section 109 threshold.....	2.128	2.143										
130 Pct of No. 2 fuel oil in New York City threshold.....	9.180	9.340										

[FR Doc. 82-1980 Filed 1-26-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[A-5-FRL-2025-3]****Approval and Promulgation of Implementation Plans; Michigan****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final rule.

SUMMARY: The purpose of today's rulemaking is to announce final approval of a revision to Rule 336.1220 in Michigan's State Implementation Plan (SIP). Michigan has requested approval of its revision to Rule 336.1220 which requires offsets in ozone nonattainment areas to exempt nonreactive volatile organic compounds identified by EPA. In addition, Michigan has revised R336.1220 to clarify its policy on the use of emission offsets in the southeast Michigan ozone nonattainment area. The basis for this rule change is EPA's policy allowing exemptions of nonreactive volatile compounds from control requirements.

EFFECTIVE DATE: This action will be effective on March 29, 1982, unless notice is received within 30 days that someone wishes to submit critical or adverse comments.

ADDRESSES: Copies of this SIP revision are available for review at the following addresses:

Air Programs Branch, U.S.

Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis

Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On July 22, 1980, EPA published a notice in the Federal Register (45 FR 48941) announcing its determination that several halogenated organics had negligible reactivity in terms of photochemical ozone production. EPA stated that as a result of this determination, it need not approve or enforce controls on these compounds as part of a federally enforceable ozone State Implementation Plan (SIP). On September 1, 1981, the State of Michigan, pursuant to EPA's notice of July 22, 1980, submitted a revision to its Rule 336.1220, which requires emission offsets in ozone nonattainment areas to exempt those compounds listed in EPA's notice. The revised R336.1220 was approved by the Michigan Air Pollution Control Commission (Commission) on July 21, 1981, and became effective August 21, 1981. R336.1220 contains the following elements:

(1) A provision that prohibits the use of a nonreactive compound at an existing source as an emission offset for the installation of a source which would emit reactive volatile organic compounds;

(2) Exemptions of the same organic compounds listed in the July 22, 1980 (45 FR 48941) notice, and

(3) A provision that prior to start-up of the proposed construction, a reduction (offset) of the total hourly and annual volatile organic compound emission from existing sources equal to 110 percent of allowed emissions for the proposed equipment shall be provided. The emission offset for a source locating in Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe Counties (those in the southeast Michigan ozone nonattainment areas) shall be secured from sources in any of those counties. The emission offset for a source locating in any other ozone nonattainment county may be secured from any ozone nonattainment county in Michigan, except Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe Counties. The purpose of this change is to clarify the intent that emission offset for new sources in these seven county

areas may be obtained from any of those counties, not just the county where the new source is locating.

In addition, R336.1220(e)(x) permits the commission to exempt any other volatile compound which can be demonstrated to be nonreactive in the formation of ozone. Any exemption obtained pursuant to (e)(x) must be submitted to EPA as a SIP revision.

EPA takes action today to approve amended R336.1220 as a revision to the federally approved Michigan SIP. Approval of the revisions to R336.1220 will not interfere with attainment and maintenance of the ozone National Ambient Air Quality Standards. EPA believes that this action is a noncontroversial rulemaking, since the revised rule simply affirms a State action. This action will be effective March 29, 1982. However, if EPA is notified within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a new rulemaking will propose this action and establish a comment period.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981 (46 FR 8709) that approvals of SIPs under section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Today's action approves a State action for Michigan R336.1220 under Section 110 of the Act. It imposes no requirements beyond those which the State has already imposed.

This regulation was exempted from review by the Office of Management and Budget (OMB) under Section 3 of Executive Order 12291.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of January 27, 1982. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal

proceeding brought by EPA to enforce these requirements.

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981.

(Sec. 110 of the Clean Air Act (42 U.S.C. 7410))

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(44) as follows:

§ 52.1170 Identification of plan.

(c) * * *

(44) On September 1, 1981, the State of Michigan, Department of Natural Resources (MDNR) submitted to USEPA a revision to its R336.1220 requiring offsets in ozone nonattainment areas to exempt the same compounds listed in EPA's Federal Register of July 22, 1980 (45 FR 48941). The revised R336.1220 also allows offsets of emissions for new sources in any of the seven counties in the southeastern Michigan ozone nonattainment area to be obtained from any of those counties, not just the county in which the new source is locating (Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe).

[FR Doc. 82-2093 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-5-FRL-2024-7]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In the October 26, 1981, Federal Register (46 FR 52140), EPA proposed to approve a revision to the Michigan State Implementation Plan (SIP) in the form of a Consent Order (07-1981) issued by the Michigan Air Pollution Control Commission (Commission) for the Boulevard Heating Plant of Detroit Edison. The Consent Order provides for a reduction in total

daily particulate emissions from the plant's four coal-fired boilers. No public comments were received on EPA's proposed rulemaking. The purpose of today's notice is to announce final approval of this revision to the Michigan SIP.

EFFECTIVE DATE: This final rulemaking is effective on February 26, 1982.

ADDRESSES: Copies of these SIP revisions are available for review at the following addresses:

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917.

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Toni Lesser, Regulatory Analysis, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

SUPPLEMENTARY INFORMATION: On May 1, 1981, the State of Michigan submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison as a revision to the Michigan SIP. The submittal was submitted in accordance with Michigan's commitment to develop abatement orders for sources contributing to violations of the particulate standards in the Detroit nonattainment area (45 FR 29790). The Boulevard Heating Plant is located in the City of Detroit, Wayne County, and is a small part of a Detroit Edison grid that supplies steam to various institutions. The plant contains four coal-fired boilers and is located within the Detroit primary nonattainment area.

Michigan's amended Rule 336.1331 restricts the Boulevard Heating Plant to a particulate emission limit of 0.45 pounds of particulate per 1000 pounds flue gas or an equivalent of 410 tons per year. Consent Order 07-1981 represents a site-specific variance from Rule 336.1331(d) of the federally approved SIP and provides an emission reduction schedule for the Plant by restricting its operation. The Boulevard Heating Plant can satisfy the required emission limitation of 410 tons per year contained in Rule 336.1331 of the Michigan SIP and yet retain its previous emission rate of up to 0.65 pounds particulate per 1000

pounds of flue gas while it is in operation. The overall effect is to reduce the plant's current actual emission rate from 410 tons per year to 10 tons per year. The Boulevard plant will satisfy the reasonably available control technology (RACT) requirement by restricting its operation rather than by installing add-on control equipment.

On October 26, 1981, Federal Register (46 FR 52140) EPA proposed approval of Consent Order 07-1981 for the Boulevard Heating Plant as a revision to the Michigan SIP. No public comments were received. EPA has reviewed Consent Order 07-1981 and determined that this SIP revision does not interfere with attainment and maintenance of the particulate standards in the Detroit area by the December 31, 1982 statutory deadline. Therefore, EPA approves Consent Order 07-1981 for the Boulevard Heating Plant as part of the Michigan SIP.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator on January 27, 1981, (46 FR 8709) certified that approvals of SIPs under Section 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Because this final action approves a State action taken pursuant to Sections 110 and 172 of the Clean Air Act, it falls within this certification. Further, it imposes no new requirements beyond those which the State has already imposed.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Note.—Incorporation by reference of the SIP for the State of Michigan was approved by the Director of Federal Register on July 1, 1981.

(Secs. 110 and 172 of the Clean Air Act)

Dated: January 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart X—Michigan

1. Section 52.1170 is amended by adding paragraph (c)(48) as follows:

§ 52.1170 Identification of plan.

* * * * *

(c) * * *

(48) On May 1, 1981, the State of Michigan, Department of Natural

Resources (MDNR) submitted Consent Order 07-1981 for the Boulevard Heating Plant of Detroit Edison located in the City of Detroit, Wayne County. The Consent Order represents a site-specific variance from Rule 336.1331(d) by allowing the plant to continue emitting

particulates at its current 0.65 pounds per 1000 pounds of flue gas, but restricting its operation and total particulate emissions in order to meet the required 410 tons of particulate per year emission limit. Under this Order the plant is now limited to 10 tons per

year of particulate emissions.

§ 52.1175 [Amended]

2. Section 52.1175(e) (table) is amended by adding a compliance schedule for the Boulevard Heating Plant.

MICHIGAN

Source	Location	Regulations involved	Date schedule adopted	Final compliance date
Wayne County				
Boulevard Heating Plant.....	Wayne County.....	R336.1331	Apr. 28, 1981	Dec. 31, 1982.

[FR Doc. 82-2063 Filed 1-28-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-6-FRL 2029-7]

Approval and Promulgation of Revisions to Texas State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 11, 1973, the Governor of Texas, after adequate notice and public hearing, submitted a revision to the Texas Air Pollution Control Implementation Plan (SIP). The submission concerned a revision to General Rule 9—Sampling, of the Texas SIP, which requires sampling of air emissions by any source in the State if requested by the Texas Air Control Board (TACB). This notice approves Texas' revision to General Rule 9 and amends 40 CFR 52.2270.

EFFECTIVE DATE: This rulemaking will be effective on March 29, 1982, unless notice is received by February 26, 1982, that someone wishes to submit adverse or critical comments.

ADDRESSES: Written comments should be addressed to J. Ken Greer, Jr. of the EPA Region VI Air Programs Branch (address below). Copies of the materials submitted by Texas may be examined during normal business hours at the following locations:

EPA, Region 6, Library, 1201 Elm Street, Dallas, Texas 75270.

EPA, Public Information Reference Unit, Library Systems Branch, 401 M Street SW., Washington, D.C. 20460.

The Office of the Federal Register, Room 8401, 1100 L Street NW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

J. Ken Greer, Jr., State Implementation Plan Section, Air & Waste Management Division, EPA, Region VI, 1201 Elm Street, Dallas, Texas, 75270, (214) 787-1518, FTS 729-2742.

SUPPLEMENTARY INFORMATION:

I. Background

On December 11, 1973, the Governor of Texas submitted to EPA a revision to the State's SIP which revised General Rule 9—Sampling. The revised Rule 9 requires sampling of air emissions from any source in Texas if requested by the State agency. The revised rule is more specific than before in that sampling is required by any source upon request by TACB to determine opacity, rate, composition, and/or concentration of emissions. The sources which conduct sampling are required to attest to and report results to TACB, and are required to keep the test results on file for at least five years after the sampling. The revised Rule 9 also allows a source to request approval from TACB of alternative sampling techniques other than those specified by TACB.

The State submitted to EPA on October 7, 1976 additional information which addressed the applicability of the revised Rule 9 in relation to revised EPA requirements for monitoring of point source emissions. The October 7, 1976 letter clarified that the revised Rule 9 did include the authority for the State to require continuous emission monitoring and reporting by sources as required by EPA in regulations published on October 6, 1975 (40 FR 46247).

II. Approval of SIP Revision

EPA has reviewed Texas' revision to General Rule 9 and has prepared an Evaluation Report which is available for public review at the locations listed in the ADDRESSES section of this notice.

The State's submission includes validation that a public hearing was held and adequate time was allowed for public comment. EPA's review of the State's revision to General Rule 9 indicates that the revision meets the requirements of 40 CFR 51.19 by providing for legally enforceable procedures for requiring owners or operators of sources to monitor and report to the State sampling data on the emissions from the sources. In addition, the revised rule authorizes the TACB to require periodic testing of sources and requires the sources to maintain files of all monitoring information. The Texas revised Rule 9 meets EPA requirements for a source surveillance regulation and the State submittal includes the necessary information for approval of the SIP revision.

EPA's Actions

EPA approves the SIP revision as submitted by Texas which revises General Rule 9—Sampling of the Texas Air Pollution Control Implementation Plan.

The public should be advised that this action will be effective 60 days from the date of publication (March 29, 1982). However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and a subsequent notice published before the effective date. The subsequent notice will withdraw the final action and will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the

appropriate circuit within 60 days of the date of publication (March 29, 1982). Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that this notice will not have a significant economic impact on a substantial number of small entities since it imposes no new regulatory requirements. This action only approves a revision to an existing State regulation.

Note.—Incorporation by reference of the SIP for the State of Texas was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Sec. 110(a) of the Clean Air Act, as amended 42 U.S.C. 7410(a))

Dated: January 20, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart SS—Texas

1. In § 52.2270, paragraph (c) is amended by adding Subparagraph (33) as follows:

§ 52.2270 Identification of plan.

* * *

(c) * * *

(33) A revision to General Rule 9—Sampling, as adopted by the Texas Air Control Board on October 30, 1973, was submitted by the Governor on December 11, 1973.

[FR Doc. 82-2062 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 60

[AD-FRL-1890-1]

Standards of Performance for New Stationary Sources; Stationary Gas Turbines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On September 10, 1979, EPA promulgated a new source performance standard (NSPS) limiting atmospheric emissions of NO_x from stationary gas turbines (44 FR 52792). On April 15, 1981, as a result of petitions for reconsideration submitted by Dow Chemical Company, PPG Industries,

Inc., and Diamond Shamrock Corporation (Dow, et al.), EPA proposed (46 FR 22005) to revise the standard for stationary gas turbines by rescinding the NO_x emission limit for large gas turbines in industrial use and pipeline gas turbines (used in oil and gas transportation or production) located in metropolitan statistical areas (MSA's).

As a result of public comments, EPA is rescinding the NO_x emission limit for large (>30 MW) industrial gas turbines and is including an NO_x emission limit of 150 ppm based on the use of dry control technology for gas turbines in industrial use and pipeline gas turbines of 30 MW or less for which construction, reconstruction, or modification is begun after today's date. This notice also adds an exemption from the 150 ppm NO_x emission limit for regenerative cycle gas turbines with a heat input less than 107.2 gigajoules per hour (100 million Btu/hr) and an exemption for all gas turbines when they are using an emergency fuel.

EFFECTIVE DATE: January 27, 1982.

Under section 307(b)(1) of the Clean Air Act, judicial review of this revision of a new source performance standard can be initiated *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESS: *Docket.* A docket, number A-81-10, containing information used by EPA in development of the promulgated revision is available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT:

Mr. Doug Bell, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

SUPPLEMENTARY INFORMATION:

The Standards

The proposed revision to the new source performance standard published in the April 15, 1981 *Federal Register* would have rescinded the NO_x emission limit of 75 ppm promulgated in the September 10, 1979, *Federal Register* for (1) industrial gas turbines having a heat

input greater than 107.2 gigajoules per hour (100 million Btu/hr or approximately 7.5 MW), and (2) pipeline gas turbines in metropolitan areas with a heat input greater than 107.2 gigajoules per hour. Industrial gas turbines are characterized as having less than one-third of their rated electrical output sold to a utility power distribution system. The 75 ppm standard was based on the use of wet controls to reduce NO_x emissions.

This promulgation rescinds the NO_x emission limit for industrial and pipeline turbines with a base load (normal operating load as opposed to peak load) greater than 30 megawatts (MW) and revises the NO_x emission limit from 75 to 150 ppm for the turbines mentioned above with a base load equal to or less than 30 MW. This promulgation also exempts turbines subject to the 150 ppm limit from the NO_x standard when emergency fuel is used and also exempts all regenerative cycle gas turbines having a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) from the 150 ppm NO_x standard. The rationale for these changes to the proposed revision is contained in the section of this preamble entitled *Significant Comments and Changes to the Proposed Revision*.

Public Participation

The revision was proposed April 15, 1981, in the *Federal Register*. The proposed revision requested public comments and also provided the opportunity for a public hearing. The public comment period extended from April 15, 1981, to May 15, 1981.

Twelve comment letters were received, but a public hearing was not requested. These comments have been carefully considered; and where determined to be appropriate by the Administrator, changes have been made to the standards of performance.

Significant Comments and Changes to the Proposed Regulation

Comments on the proposed revision to the standard were received from electric utilities, chemical companies, oil and gas producers, gas turbine manufacturers, and private citizens.

One commenter stated that since pipeline turbines operate continuously regardless of location, the NO_x emission limit should be rescinded for all such turbines.

The standards of performance as promulgated on September 10, 1979, required pipeline turbines operated in metropolitan areas to meet an NO_x emission limit of 75 ppm (based on wet controls) and permitted the same

turbines operated outside metropolitan areas to meet an NO_x emission limit of 150 ppm (based on dry controls). The difference in emission limits was intended to accommodate a potential lack of water for wet controls on pipeline turbines in rural areas.

The April 15, 1981, proposed revision to the standard would have rescinded the 75 ppm NO_x emission limit for all industrial turbines and pipeline turbines located in metropolitan areas. The proposed rescission had been based on uncertain and possible adverse economic consequences of using wet control systems on turbines with long-term continuous operating requirements at or near maximum capacity. Dow et al. claimed that operation at or near maximum capacity for one year or more between internal inspections is required in industrial applications. They also claimed that shutdown several times a year for inspection or maintenance causes unacceptable economic consequences. These considerations also apply to pipeline turbines.

There was no suggestion in the comments received, nor is there any reason to believe, that the use of dry controls (which requires a different combustor design) would have any adverse impact on the maintenance of industrial or pipeline turbines. Dry control systems have achieved an NO_x emission limit of 150 ppm on turbines of a size less than 30 MW and would add little to the capital and operating costs if required for all turbines in this size range. The 150 ppm emission limit on these turbines with dry control technology is supported by data contained in the original standard support and environmental impact statement (EPA-450/2-77-017a), by recent information obtained from gas turbine manufacturers, and by recent emission tests of turbines in the field. In the tests five gas turbines, ranging in size from about 9 to 16.5 MW and using dry controls, emitted approximately 40 to 80 ppm NO_x.

The Agency has no test data showing that the 150 ppm NO_x emission limit has been achieved by dry controls when installed on industrial turbines greater than 30 MW and for that reason did not propose an NO_x emission limit of 150 ppm based on dry controls in the April notice.

EPA did not propose an NO_x emission limit of 150 ppm for industrial turbines less than 30 MW or pipeline turbines less than 30 MW in metropolitan areas in the April notice. This created an inconsistency, based on location of the turbine, which is not justifiable. Accordingly, the standard is being promulgated to require all industrial and

pipeline turbines with outputs less than 30 MW to achieve an NO_x emission limit of 150 ppm.

Since industrial and pipeline turbines in MSA's were required by the September 10, 1979, promulgation to apply water injection technology, some operators may have to equip these turbines with new combustors if they want to discontinue water injection and still meet the 150 ppm NO_x standard now required. Because of the potentially high cost of new combustors, this promulgated revision exempts from complying with an NO_x emission limit all pipeline turbines inside MSA's and industrial turbines less than or equal to 30 MW, which were constructed, modified, or reconstructed between October 3, 1977 (the proposal date of the original standard), and today's date. Turbines in this size range constructed, modified, or reconstructed after today's date must achieve an NO_x emission limit of 150 ppm.

The standards of performance for gas turbines as promulgated required all gas turbines between 10.7 and 107.2 gigajoules per hour that were constructed, modified, or reconstructed after October 3, 1982, to achieve an NO_x emission limit of 150 ppm. Today's promulgated revision has no impact on this requirement.

One commenter felt that if nitrogen oxide controls are not required for large industrial turbines, which operate continuously at or near maximum capacity, then they should not be required for electric utility turbines, which operate less and emit less nitrogen oxides. The commenter stated that if nitrogen oxide controls were not needed on a full-time turbine, then there appears to be even less need for use on a part-time turbine.

The 75 ppm NO_x emission limit for industrial and pipeline turbines inside MSA's was not rescinded because of the lack of environmental benefit from controlling them. Instead, the rescission was based on the uncertain impacts on maintenance of the turbines and possible adverse economic consequences.

The NO_x emission limit was not rescinded for utility gas turbines because wet control systems have been demonstrated to achieve the 75 ppm NO_x emission limit and because utilities do have the opportunity to shut down their turbines several times a year for inspection and maintenance.

Another commenter stated that base load utility gas turbines should be exempted from having to meet an NO_x emission limit since these turbines may be required to operate for one year or more between internal inspections.

The EPA position is that unlike utility turbines, industrial turbines in some instances may represent the sole primary energy source for a major industrial process. Such a turbine could not be shut down more frequently without an unacceptable economic consequence. The unacceptable economic consequence could be that an entire plant or process depends on the continuously running gas turbine. This is not the case for utility turbines, however, since other electric generators on the grid can restore lost capacity caused by turbine down time. Inspection and maintenance can be scheduled for a low load period when full generating capacity is not needed. Since inspection and maintenance of continuously running utility turbines is not economically unreasonable, the NO_x emission limit for these turbines has not been rescinded.

Another commenter stated that the action to rescind the NO_x emission limit is not consistent with section III and section 307(d) of the Clean Air Act, in that the notice of April 15, 1981 (46 FR 20005), did not state the proposed rule's basis and purpose.

The basis of the April revision was the lack of data concerning the use of wet control systems on turbines operating continuously at or near maximum capacity and possible unreasonable economic impacts. Because of this lack of data, EPA is not concluding that wet control systems are best demonstrated technology for control of NO_x emissions from these gas turbines. The purpose of the April 15 proposal and today's promulgation is to make the standard consistent with this conclusion. The April 15 proposal was consistent with this conclusion in that it rescinded the 75 ppm NO_x limit based on wet control systems. Today's promulgation is also consistent with this conclusion in that the 150 ppm NO_x limit now required for industrial and pipeline turbines less than or equal to 30 MW is based on dry controls rather than wet controls. It is also consistent with this conclusion in that industrial turbines greater than 30 MW are no longer required to meet an NO_x emission limit and therefore do not have to use wet controls.

One commenter also stated that Dow et al. offered no evidence to support their claim that industrial gas turbines must operate for long periods of time.

Dow et al. did supply information to the Agency in letters requested to be held confidential and included in the docket (II-33 (a), (b), (c)) that indicates that operation at or near maximum capacity for periods of a year or more is

required of gas turbines in present use. The data in these letters were considered by the Administrator in reaching the conclusions stated in the preamble to the April 15 proposal.

A commenter also stated that the revision should have been written to include only continuously operating gas turbines rather than all industrial and pipeline gas turbines.

The Agency investigated the option of establishing a minimum number of hours to define "continuous operation" and using this definition to determine which industrial and pipeline turbines would be impacted by this revision. The Agency determined that to include only those turbines running continuously, some arbitrary number of hours would have to be included in the standard to define continuous running. The owners or operators of these gas turbines would then be required to project the number of hours per year their turbine would operate to determine their operating category. The actual operating times could vary considerably from the projections because some unexpected circumstances may occur, such as curtailment of plant operation, unforeseen plant maintenance, or any other unforeseen circumstances that have nothing to do with the ability of the turbine to operate continuously. If the number of hours projected is less than the actual number of hours operated, those turbines that did not operate as projected for one year could not be expected to install wet control systems. In the very next year they may be able to meet the operating time projection. Industrial turbines usually run more hours after initial 1 to 2 year break-in periods. Since defining "continuous operation" and projecting exactly how many hours a turbine will operate is difficult and since most of the turbines affected by the revision operate continuously, the Administrator decided not to attempt to restrict this revision to continuously operating industrial and pipeline gas turbines.

Several commenters stated that the Agency's definition of electric utility gas turbine should be made consistent with the "Power Plant and Industrial Fuel Use Act of 1978" (FUA) and the "Public Utility Regulatory Policies Act of 1978" (PURPA) to allow one half of the electric output capacity of a cogeneration unit to be sold to a utility power distribution system.

The Acts mentioned by the commenters were designed to encourage cogeneration. The new source performance standard for stationary gas turbines is not intended to encourage or discourage cogeneration, but is designed to distinguish between electric utility

gas turbines and industrial gas turbines. Specifically, in the context of this revision the definition distinguishes between those gas turbines that can be shut down for maintenance without resulting in shutdown of a dependent industrial process and those turbines without backup. For a turbine operating as part of a cogeneration system and selling up to 50 percent of its electrical output to a utility grid, PURPA requires the utility to sell back-up power to qualifying cogeneration facilities when needed. Consequently, the definition of electric utility gas turbine has not been revised to allow for a gas turbine selling up to 50 percent of its power to a utility power distribution system.

Another commenter pointed out that some models of pipeline turbines used outside of MSA's cannot meet the 150 ppm emission limit with the current combustor design (dry control) without also using wet control systems. The commenter suggests that the category of sources including pipeline turbines outside MSA's be exempt from meeting an NO_x emission limit.

A new source performance standard, as required by section 111 of the Clean Air Act, must reflect "the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction and any nonair quality health and environmental and energy requirements) the Administrator determines has been adequately demonstrated." Those models of pipeline turbines that cannot meet the 150 ppm limit with their current combustor design (dry control) do not reflect best technology. There are other models of pipeline turbines that can meet the 150 ppm limit using dry controls without any unreasonable impacts. Also, these turbines can perform the same function as those models that cannot meet the 150 ppm limit. Therefore, the fact that some models within a category of gas turbines cannot meet a standard is not sufficient reason to exempt the entire category, especially when turbines capable of performing the same function while at the same time complying with the standard are available. There is no provision in the gas turbine standard, however, that prevents an owner or operator from using wet controls to comply with the 150 ppm limit if he so chooses.

One commenter stated that small (less than 107.2 gigajoules/hour) regenerative cycle gas turbines should be exempted from the 150 ppm NO_x emission limit. According to the commenter, dry controls that can meet the 150 ppm level

have not been developed for these small regenerative cycle gas turbines, and the cost to do so would be exorbitant because these turbines are only a small portion of the small gas turbine market. (These turbines are currently not required to meet the 150 ppm NO_x emission limit until October 3, 1982.) Because of the exorbitant cost associated with developing dry controls for small regenerative cycle gas turbines, manufacturers would discontinue these turbines from their product line rather than develop the dry control. Small regenerative cycle gas turbines compete with stationary internal combustion (I.C.) engines; and, if these turbines are dropped from product lines, I.C. engines would be sold in their place rather than small simple cycle turbines. Since controlled I.C. engines emit between two to four times as much NO_x as do uncontrolled small regenerative cycle gas turbines, the net effect of requiring small regenerative cycle gas turbines to meet the 150 ppm NO_x emission limit would be an increase in NO_x emissions.

Additional investigation of small regenerative cycle gas turbines revealed the commenter's assessment of the situation to be correct. Consequently, the standard is being revised to exempt regenerative cycle gas turbines of less than 107.2 gigajoules/hour from complying with the 150 ppm NO_x emission limit.

Another commenter stated that many gas turbines that normally operate on natural gas can be operated on distillate oil when natural gas is unavailable. These turbines can meet a 150 ppm NO_x emission limit when operating on natural gas, but not when they are operating on distillate oil. The commenter felt, therefore, that gas turbines should be exempt from complying with the standard during periods when an emergency fuel is being used.

Upon further investigation, the Agency learned that many turbine models can meet the 150 ppm NO_x emission limit only when operating on natural gas, which is almost always available. Since operation with an emergency fuel is expected only rarely and dry controls would continue to reduce the emissions during periods when distillate oil is fired, gas turbines operating on an emergency fuel are being exempted from the 150 ppm NO_x emission limit. The exemption will not apply if the emergency fuel is fired solely because it is less costly than natural gas.

This revision was submitted to the Office of Management and Budget

(OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in docket number A-81-10. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW, Washington, D.C. 20460.

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and therefore subject to certain requirements of the Order. The Agency has determined that this revision to the standard would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a major rule. In fact, since this revision consists of a relaxation of the standard originally promulgated, it will result in less costs. Some turbines covered by the original standard will now be exempt. Others will be required to meet a less restrictive standard based on less expensive dry controls rather than wet controls. The Agency has therefore concluded that this regulation is not a "major rule" under Executive Order 12291.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 et seq. is not required for this rulemaking because the rulemaking would not have a significant impact on a substantial number of small entities.

Dated: January 22, 1982.

Anne M. Gorsuch,
Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

For the reasons set out in the preamble, Part 60 of Chapter I, Title 40, Subpart GG, Code of Federal Regulations is amended as shown.

1. In § 60.331, paragraphs (q), (r), and (s) are added to read as follows:

§ 60.331 Definitions.

(q) "Electric utility stationary gas turbine" means any stationary gas turbine constructed for the purpose of supplying more than one-third of its potential electric output capacity to any utility power distribution system for sale.

(r) "Emergency fuel" is a fuel fired by a gas turbine only during circumstances, such as natural gas supply curtailment or breakdown of delivery system, that make it impossible to fire natural gas in the gas turbine.

(s) "Regenerative cycle gas turbine"

means any stationary gas turbine that recovers thermal energy from the exhaust gases and utilizes the thermal energy to preheat air prior to entering the combustor.

2. Section 60.332 is amended by revising paragraphs (a), (b), and (d), and adding paragraphs (j), (k), and (l) to read as follows:

§ 60.332 Standard for nitrogen oxides.

(a) On and after the date of the performance test required by § 60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i), (j), (k), and (l) of this section.

(b) Electric utility stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired shall comply with the provisions of § 60.332(a)(1).

(d) Stationary gas turbines with a manufacturer's rated base load at ISO conditions of 30 megawatts or less except as provided in § 60.332(b) shall comply with § 60.332(a)(2).

(j) Stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour that commenced construction, modification, or reconstruction between the dates of October 3, 1977, and January 27, 1982, and were required in the September 10, 1979, Federal Register (44 FR 52792) to comply with § 60.332(a)(1), except electric utility stationary gas turbines, are exempt from paragraph (a) of this section.

(k) Stationary gas turbines with a heat input greater than or equal to 10.7 gigajoules per hour (10 million Btu/hour) when fired with natural gas are exempt from paragraph (a)(2) of this section when being fired with an emergency fuel.

(l) Regenerative cycle gas turbines with a heat input less than or equal to 107.2 gigajoules per hour (100 million Btu/hour) are exempt from paragraph (a) of this section.

3. Section 60.334 is amended by adding paragraph (c)(4) as follows:

§ 60.334 Monitoring of operations.

(4) *Emergency fuel.* Each period during which an exemption provided in

§ 60.332(k) is in effect shall be included in the report required in § 60.7(c). For each period, the type, reasons, and duration of the firing of the emergency fuel shall be reported.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 1857c-9))

[FR Doc. 82-2092 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-26-M

40 CFR Part 162

[OPP-30056; PH-FRL-2031-3]

Pesticide Chemical Active Ingredients; Registration Standards Ranking Scheme Results

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the document containing the order in which EPA has ranked the use clusters containing all pesticide active ingredients to be reviewed under the Registration Standard Program. The ranking order of clusters of chemicals with similar use patterns was based on the production and exposure of pesticide active ingredients within each cluster.

FOR FURTHER INFORMATION CONTACT: Arty Williams, Special Pesticide Review Division (TS-791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 722, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-3043).

Copy of the document may be obtained through the person named above.

SUPPLEMENTARY INFORMATION: Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), EPA is required to review the approximately 40,000 pesticide products currently registered in order to determine whether they pose unreasonable effects on man or the environment. EPA issued an Advance Notice of Proposed Rulemaking (ANPR) published in the Federal Register of December 26, 1979 (44 FR 76311) entitled "Registration Standards for the Registration of Pesticides" which indicated that it would review these products based on their active ingredients. EPA then proposed a registration standard ranking scheme to order the registration standard reviews of pesticide active ingredients based on the production and exposure of clusters of chemicals with similar use patterns. This ranking scheme was published in the Federal Register of November 14, 1980 (45 FR 75488).

The administrative record for the Registration Standards Ranking Scheme for the Registration of Pesticides, including comments, is available for public review in the Document Control Office, Rm. E-107, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

Dated: December 23, 1981.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

[FR Doc. 82-1445 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 1E2499/R391; PH-FRL 2036-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or On Raw Agricultural Commodities; Atrazine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide atrazine and its metabolites in or on the raw agricultural commodities orchardgrass and orchardgrass hay. This regulation to establish the maximum permissible level for the combined residues of atrazine in or on the commodities was requested by the Interregional Research Project No. 4 (IRA).

EFFECTIVE DATE: Effective on January 27, 1982.

ADDRESS: Written comments may be submitted to the Hearing Clerk, Environmental Protection Agency, Rm. 3708, 401 M St. SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22022, (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the *Federal Register* of November 4, 1981 (46 FR 54771) which announced that IR-4, New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903 on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of Oregon, had submitted a pesticide petition (PP 1E2499) proposing that 40 CFR 180.220 be amended by the establishment of tolerances for the combined residues of

the herbicide atrazine (2-chloro-4-ethylamino-6-isopropylamino-s-triazine) and its metabolites 2-amino-4-chloro-6-ethylamino-s-triazine, 2-amino-4-chloro-6-isopropylamino-s-triazine and 2-chloro-4,6-diamino-s-triazine in or on the raw agricultural commodities orchardgrass and orchardgrass hay at 15 parts per million (ppm).

There were no comments received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology and chemistry pertaining to this regulation were given in the notice of proposed rule (46 FR 54771, November 4, 1981).

The herbicide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before February 26, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, the EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposed regulation from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

Effective on: January 27, 1982.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

Dated: January 13, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, 40 CFR 180.220(b) is amended by adding and alphabetically inserting the commodities orchardgrass and orchardgrass hay to read as follows:

§ 180.220 Atrazine; tolerances for residues.

(b) *

Commodity	Parts per million
Orchardgrass.....	15
Orchardgrass, hay	15

[FR Doc. 82-2061 Filed 1-26-82; 8:45 am]

BILLING CODE 6560-32-M

40 CFR Part 180

[PP 8E2075, 9E2219/R392; PH-FRL 2036-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oryzalin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the herbicide oryzalin and its metabolites in or on the raw agricultural commodities sweet potatoes and peas (succulent). This regulation to establish the maximum permissible level for residues of oryzalin in or on the commodities was requested by the Interregional Research Project No. 4 (IR-4).

EFFECTIVE DATE: Effective on January 27, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM# 2, 1921 Jefferson Davis